

REMARKS

Applicant has carefully reviewed the Office Action mailed December 29, 2003 and offers the following remarks to accompany the above amendments.

Applicant herein amends claims 1, 16, and 28 to include the subject matter of claims 9, 24, and 33, respectively. Claims 9, 24, and 33 are canceled as redundant in light thereof. Applicant further amends claims 1, 16, and 28 to recite that the records are cookies, histories, and information in cache. Support for this amendment can be found at page 11, lines 26-29. No new matter is added.

Claims 1, 9, 16, 24, 28, and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Paul. Applicant respectfully traverses. For a reference to be anticipatory, the reference must show each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. This is a rigorous standard which has not been met in this case.

Since claims 9, 24, and 33 have been amended into claims 1, 24, and 28, Applicant will respond to the Patent Office's rejection of claims 9, 24, and 33 as if it had been applied to claims 1, 24, and 28. The Patent Office opines that Paul teaches the record deletion at col. 5, lines 13-15 and col. 5, lines 22-24. Applicant respectfully traverses. As amended, the claims recite that the records include cookies, histories, and information in cache. In contrast, Paul indicates that disk and memory caches are reset upon removal and reinsertion of a card. Thus, Paul at best only teaches clearing memory caches, and does not teach removal of cookies and histories. Since Paul does not teach this element, the claims are not anticipated. Furthermore, Paul only performs this resetting when the card 18 is removed and then reinserted. Thus, Paul requires the card be removed and reinserted before the reset occurs. In contrast, the claims recite that the deleting occurs at the termination of a computing session. Paul's resetting does not occur at the termination of a computing session but rather occurs after reinsertion of the card. To this extent, the claims recite another element which is not taught or suggested by the reference of record.

Since the reference does not teach or suggest all the claim elements, the independent claims 1, 16, and 28 are patentable. Applicant requests withdrawal of the § 102 rejection of claims 1, 16, and 28 at this time.

Claims 4-8, 12, 15, 19-23, 25, 27, 31, 32, and 35 were rejected under 35 U.S.C. § 103 as being unpatentable over Paul. Applicant respectfully traverses. For the Patent Office to

establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is located. MPEP § 2143.03. Furthermore, when the Patent Office modifies a reference to show a claim element, the Patent Office must provide actual evidence of the suggestion to modify the reference. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999).

Applicant has studied the rejection of these claims and sees that the Patent Office admits that, for each claim, Paul does not teach one or more elements, and then modifies Paul to say that it would be obvious to include the missing feature. However, the Patent Office provides no evidence to support the modification. To this extent, the modification is improper and the rejection fails because the reference admittedly does not teach or suggest all the claim elements.

Applicant further traverses on the basis that Paul does not teach or suggest the elements of the amended independent claims. The modifications proposed by the Patent Office do not cure this deficiency and thus, the Patent Office has not shown where a claim element is located. Since the Patent Office has not shown where a claim element is located, the Patent Office has not established obviousness and the claims are allowable.

Applicant requests withdrawal of the § 103 rejection of the claims at this time.

Claims 13, 26, and 34 were rejected under 35 U.S.C. § 103 as being unpatentable over Paul in view of Barth. Applicant respectfully traverses. The standard for obviousness is set forth above. Furthermore, the Patent Office is obligated, when proposing a combination, to provide: 1) a reason to combine the references; and 2) actual evidence to support the motivation to combine the references. *In re Dembiczak* at 999.

As noted above, Paul alone does not teach or suggest all the claim elements. The addition of Barth does not cure the deficiencies of Paul. Thus, in combination, the references do not teach or suggest all the claim elements and the Patent Office has not established obviousness. Applicant notes that the Patent Office opines as to a motivation to combine the references, but fails to provide any actual evidence. To this extent, the combination is improper and the rejection fails on this basis as well. Therefore, the claims are allowable, and Applicant requests withdrawal of the § 103 rejection of the claims at this time.

Claims 2, 3, 17, 18, 29, and 30 were rejected under 35 U.S.C. § 103 as being unpatentable over Paul in view of White et al. Applicant respectfully traverses. The standard for obviousness is set forth above.

As noted above, Paul alone does not teach or suggest all the claim elements. The addition of White et al. does not cure the deficiencies of Paul. Thus, in combination, the references do not teach or suggest all the claim elements and the Patent Office has not established obviousness. Applicant notes that the Patent Office again opines as to a reason to combine the references, but fails to provide any actual evidence. To this extent, the combination is improper and the rejection fails on this basis as well. Therefore, the claims are allowable, and Applicant requests withdrawal of the § 103 rejection of the claims at this time.

Claims 10 and 11 were rejected under 35 U.S.C. § 103 as being unpatentable over Paul in view of Piosenska et al. Applicant respectfully traverses. The standard for obviousness is set forth above.

As noted above, Paul alone does not teach or suggest all the claim elements. The addition of Pioneska et al. does not cure the deficiencies of Paul. Thus, in combination, the references do not teach or suggest all the claim elements and the Patent Office has not established obviousness. Applicant notes that the Patent Office again opines as to a reason to combine the references, but fails to provide any actual evidence. To this extent, the combination is improper and the rejection fails on this basis as well. Therefore, the claims are allowable, and Applicant requests withdrawal of the § 103 rejection of the claims at this time.

Applicant respectfully requests reconsideration of the rejection in light of the amendments and remarks presented herein. The references of record do not teach the deletion of cookies, histories, and information in cache. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

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Respectfully submitted,

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